

ORDINANCE No. _____, SERIES 2008

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING OR DEMOLITION PERMITS, CONDITIONAL USE PERMITS, OR CERTIFICATES OF OCCUPANCY; AND THE APPROVAL OF ZONING CHANGES WITHIN A DESIGNATED AREA KNOWN AS THE SOUTH THIRD AND SOUTH FOURTH STREETS CORRIDOR REDEVELOPMENT AREA.

SPONSORED BY: COUNCILWOMAN MARIANNE BUTLER, DISTRICT 15

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") hereby finds and declares that the development, preservation, protection, rehabilitation, and upkeep of residences and businesses within the South Third and South Fourth Streets Corridor Redevelopment Area [the "Corridor Area"] is necessary to preserve and enhance the quality of life for all residents of, and those who are employed within the Corridor Area, as well as the citizens of the Louisville/Jefferson County metropolitan area; and

WHEREAS, the Council finds that a Corridor Redevelopment and Action Plan is under way to assist in the protection, preservation, and revitalization of the Corridor Area under the direction of the Metro Economic Development Department [the "Plan"]; specifically, to promote residential and commercial development that is compatible with the historic and traditional character of the Area, to protect the historic significance of the neighborhood, and to address and resolve problems caused by inappropriate and incompatible land use patterns; and

WHEREAS, during the development of the Plan, the Council desires to preserve the status quo by preventing further commercial or residential changes or development within the Corridor Area, which would be incompatible with the Plan as ultimately adopted; and

WHEREAS, it is anticipated that it will take until April 1, 2009 for the Plan to be completed, and approved; and

WHEREAS, Any person claiming to be injuriously affected or aggrieved by the moratorium imposed by this Ordinance may seek relief from the Director of the Metro Department of Inspections, Permits, and Licenses [the "Director"] or the Metro Code Enforcement Board pursuant to LMCO 32.275 et. seq., or the Louisville Metro Board of Zoning Adjustment pursuant to KRS Chapter 100, as provided herein.

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: There is hereby imposed a moratorium on:

(A) The issuance by the Louisville Metro Department of Inspections, Permits, and Licenses of building or demolition permits or certificates of occupancy relating to residential or commercial structures within the Corridor Area; and

(B) The granting of any zoning change, zoning variance, zoning exception, or conditional use permit, under the Land Development Code, or otherwise within the Corridor Area by any Metro Louisville Authority.

Section II: The moratorium imposed by Section I shall not apply to construction or reconstruction of any structure that is damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, nor to permits issued to restore or make safe a condition caused by fire, wind, snow or any unforeseen event, as determined by the Director. The moratorium imposed by Section I further shall not apply to any applications for permits, whether received before or after the effective date of this Ordinance, made pursuant to a development plan approved by any authority of Louisville Metro Government thereof prior to the effective date of this ordinance.

Section III: For purposes of this Ordinance, the Corridor Area is defined as an area bounded by (a) the Norfolk-Southern/CSX railroad right-of-way on the South edge of the University of Louisville Campus, (b) Third Street from its northern intersection with the Norfolk-Southern/CSX railroad right-of-way through its intersection with Southern Parkway, to its intersection with Oakdale Avenue, and (c) Fourth Street from its northern intersection with the Norfolk-Southern/CSX railroad right-of-way to the property known as 3756 Oakdale Avenue. All properties abutting the designated portions of South Third Street, Southern Parkway, South Fourth Street, and Oakdale Avenue, including the property known as 3756 Oakdale Avenue shall be included within the Corridor Area. A map of the area is attached as Appendix "A."

Section IV:

(A) Any person or entity claiming to be injuriously affected or aggrieved by the withholding of any permit pursuant to this moratorium may apply for an exemption from the Director. The Director may grant or deny the application in whole or in part. The Director shall act on an application within five (5) business days of its receipt.

(B) A person may appeal the Director's partial or entire denial of an application for an exemption to the Louisville Metro Code Enforcement Board pursuant to the procedures set forth in LMCO 32.275 et. seq

(C) Any person injuriously affected or aggrieved by the withholding of any zoning change, zoning variance, zoning exception, or conditional use permit may apply to the Louisville Metro Board of Zoning Adjustment for an exemption from the moratorium pursuant to the procedures under KRS Chapter 100.

(D) The sole grounds for the granting of an exemption from the moratorium, or any appeal from the denial thereof, shall be that

(1) the applicant will suffer immediate and irreparable economic harm unless the exemption is granted; or

(2) the imposition of the moratorium on the applicant will materially interfere with the applicant's reasonable investment-backed expectations.

(E) For purposes of this Section VI, the term "person" shall mean an individual, or a business entity or association of whatever kind or character.

Section V: The moratorium imposed by this Ordinance shall be effective immediately upon the effective date of this Ordinance, and shall remain effective until April 1, 2009 unless repealed or extended.

Section VI: This Ordinance shall take effect upon passage and approval.

Kathleen J. Herron
Metro Council Clerk

Jim King
President of the Council

Jerry Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

By: _____
Assistant County Attorney

Moratorium South Third_South Fourth Sts Corridor – 7 March 2008 – roc/wtw/jb/bkn